REMARKS

Applicant respectfully requests withdrawal of claims 11-13. In the Office action

mailed 3/29/04, Examiner rejects Claims 5-10 under 35 U.S.C. 102(e) as being

anticipated by Takayama, U.S. Patent 5.991,842.

Applicant respectfully traverses this rejection and asserts that Examiner's

characterization of Tanakayama lacks sufficient association between cited portions

to constitute the invention as claimed in the present application.

Directing Examiner's attention to MPEP 2131, the threshold issue under Section

102 is whether the Examiner has established a *prima facie* case for anticipation. "A

claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference. *Verdegaal Bros.*

v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir.

1987)". "The identical invention must be shown in as complete detail as is contained in

the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566

(Fed. Cir. 1989). The elements must be arranged as required by the claim but this is

not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910

F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully asserts that the elements cited in Tanakayama are not

arranged as required by claim 5 of the present application.

Claim 5 in the present application reads:

5.   (Original) A method for establishing transport routing information in an AV/C

transaction data delivery system, comprising in combination:

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detecting a transport;

creating a transport ID associated with said transport;

notifying a transport layer of said transport ID;

indexing said transport ID;

associating said indexed transport ID with a device.

Examiner has cited col. 4, lines 26-29 and col. 8, lines 50-54 as implicitly teaching the claim 5 limitation of creating a transport ID associated with the detected transport. Applicant respectfully traverses this rejection. Col. 4, lines 26-29 reads:

Next, with reference to FIG. 3, addressing of the 1394 serial bus will be described. As shown, an address space having a 64-bit width in conformity with IEEE 1212 regulations is defined for the 1394 serial bus.

However, addressing of the 1394 bus is not the same as creating a transport identifier associated with the detected transport ID; for Examiner's argument to be valid, there would have to be some association with what the Examiner claims to be the detection of a transport as cited by the Examiner col. 10, lines 9-13 & 57-59. However, there is no link between these cited portions of Tanakayama. At Col. 4, lines 26-29, all that is being discussed is bus addressing; namely addressing of the 1394 bus, not a transport detected on the bus.

Tanakayama at Col. 8, lines 50-54 reads:

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Each packet is added with a packet header corresponding to the fundamental communication protocol of a 1394 serial bus, and data corresponding to each subsidiary communication protocol is added to a payload area.

Examiner is reminded of the nature of the transport ID as defined in the present application and further limited in claim 5; namely the transport ID created in the present invention is indexed. For Examiner's argument to be valid, there must be some showing that the transport ID Examiner claims is present in Tanakayama must be indexed. However, there is no such disclosure, teaching, or suggestion that Tanakayama's packet header corresponding to the communication protocol of a 1394 serial bus is indexed.

Examiner cites Tanakayama at Col. 4, lines 51-57 and Col. 8 lines 31-34 as describing the claim 5 limitation of indexing the created transport ID. Tanakayama at Col. 4, lines 51-57 reads:

A bus information block (indicated in FIG. 4 by Bus_info_block) stores data such as an ID of equipment supply company. A root directory (indicated in FIG. 4 by Root_directory) stores information specific to each node and a storage location of the next unit directory (indicated in FIG. 4 by Unit Directory).

This above-cited portion of Tanakayama does not pertain to a transport ID and is not associated with the text at Col. 4, lines 26-29 nor the text at Col. 8, lines 50-54. Col. 4, lines 26-29 reference FIG. 4 , which is a diagram showing contents of a configuration ROM, addresses being allocated in the manner illustrated in FIG. 3, namely address space allocation of a serial bus compliant with IEEE 1394. As described in the present application, serial buses compliant with IEEE 1394 do not have the functionality as

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described and claimed in claim 5 of the present application. Furthermore, there is no connection between a bus ID or equipment ID and a packet header corresponding to the fundamental communication protocol of a 1394 serial bus, as cited by the Examiner as being indicative of creating a transport ID at col. 8, lines 50-54.

Tanakayama at Col. 8, lines 31-34 reads:

FIG. 8 is a diagram showing node information of CAM as viewed from 1394 bus 13, the node information being mapped in the configuration ROM and the unit controlling command/status register.

Again, there is no association of this above-cited portion of Tanakayama and either the text at Col. 4, lines 26-29 nor col. 8, lines 50-54. "Mapping of node information to a configuration ROM" alone cannot be construed to mean indexing a transport ID, absent sufficient detail as required by MPEP 2131 and *Richardson v. Suzuki Motor Co.*

Applicant respectfully submits that Takayama does not anticipate the limitations of claim 5 of the present invention, and thus the requirements of a 102(e) rejection are not met for claim 5 and its dependent claims 6-8.

Claim 9 is rejected under 35 U.S.C. 102(e), also citing Takayama as anticipating the limitations of claim 9. Claim 9 of the present application reads:

9.   A method for sending AV/C transaction data in an AV/C transaction data delivery system, comprising in combination:

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receiving AV/C transaction data for transport;

associating said AV/C transaction data with a transport ID;

providing said AV/C transaction data and transport ID to a transport layer;

associating said transport ID with a transport controller bus ID; and

providing said AV/C transaction data to a transport controller data record

associated with said bus ID.

Similar portions of Takayama were cited as anticipating the limitations of claim 9 as were claim 5; likewise, the argument above applies equally to the limitations of claim 9. To summarize, there is no teaching, suggestion, or disclosure in Takayama to utilize a transport ID in the transmission of AV/C data. Applicant respectfully submits that Takayama does not anticipate the limitations of claim 9 of the present invention, and thus the requirements of a 102(e) rejection are not met for claim 9 and its dependent claim 10.

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Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takayama in view of Boucher. However, as demonstrated above, There is no teaching suggestion or other disclosure in Takayama of using a transport ID, but rather node IDs and bus IDs, each for demonstrably different purposes than the present invention uses transport IDs. Examiner is respectfully requested to reconsider his 35 USC 103(a) rejection in view of Applicant' arguments made above.

Furthermore, Applicant respectfully asserts that Boucher does not teach an AV/C protocol layer having a separate implementation from an AV/C transport layer. Examiner has cited Boucher at Col. 2, lines 35-54. Boucher, at Col. 2, lines 35-54 reads:

In preparing data for transmission from a first to a second <u>host, some control data is</u> <u>added at each layer of the first host regarding the protocol of that layer, the control</u> <u>data being indistinguishable from the original (payload) data for all lower layers of</u> <u>that host.</u> Thus an application layer attaches an application header to the payload data <u>and sends the combined data to the presentation layer</u> of the sending host, which receives the combined data, operates on it and adds a presentation header to the data, resulting in another combined data packet. The data resulting from combination of payload data, application header and presentation header is then passed to the session layer, which performs required operations including attaching a session header to the data and presenting the resulting combination of data to the transport layer. <u>This process continues as the information moves to lower layers,</u> with a transport header, network header and data link header and trailer attached to the data at each of those layers, with each step typically including data moving and copying, before sending the data as bit packets over the network to the second host.

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Nowhere in this cited portion of Boucher is there any discussion of an AV/C protocol layer having a separate implementation from an A/V transport layer. This portion of Boucher merely describes adding control data to each layer of a first host regarding the protocol of that layer and that added control data is indistinguishable from the payload data for all lower layers on that host. **The added data is passed down to subsequent layers with each layer adding to the data that is passed down.**

This is significantly different from Examiner's characterization that this portion of Boucher discloses an AV/C protocol layer having a separate implementation from an A/V transport layer.
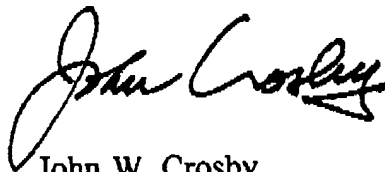
On the basis of the above remarks, early consideration of this application and early allowance are respectfully requested.

INVITATION TO TELEPHONE CONFERENCE

If the Examiner feels there are any remaining issues that may be resolved over the telephone, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,
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